IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.773 OF 1989.

Dagdu Ramchandra Pawar
& Others ..Appellants

versus

The State of Maharashtra ..Respondent.

Mr.M.S.Mohite for the Appellant
Dr.F.R.Shaikh, APP for the State.

WITH

CRIMINAL APPEAL NO.791 OF 1989.

Subhash Sitaram Chavan
& Others ..Appellants

versus

The State of Maharashtra ..Respondent.

Shri P.P.Hudlikar i/b.P.J.Shinde for Appellant
Dr.F.R.Shaikh, APP for the State.

WITH

CRIMINAL APPEAL NO.104 OF 1990.

State of Maharashtra ..Appellant

versus

Subhash Sitaram Chavan
& Others ..Respondents.

Dr.F.R.Shaikh, APP for the State.
Shri P.P.Hudlikar i/b.P.J.Shinde for respondents

Coram : D.G.Deshpande &
S.R.Sathe, JJ.
Dated : 8th February, 2007

P.C.

1. Mr. Mohite is present for all the accused in Criminal Appeal No.773 of 1989. Mr. Hudlikar is present for the accused in Criminal Appeal No.791 of 1989 alongwith P.J.Shinde. APP is present in both the matters for the respondent State of Maharashtra.

2. It is to be noted that both these appeals are arising out of judgment of conviction in cross cases and counter cases in which the accused came to be convicted. The accused in Criminal Appeal No.773 of 1989 were convicted by the trial court for the offences under Section 323, 147, 148, 452, 326, 325 and 324, and the accused in Criminal Appeal No.791 of 1989 are convicted under Section 323, 147, 148, 324 of I.P.C. When we had heard the matter earlier, looking to the facts of the cases and the fact that both the parties are residents of the same village and the cases are of more than 20 years old, we suggested whether it was possible for them to compound the offences. This was accepted, and today the accused in both the cases have filed the common affidavit duly signed by all the accused in both the cases. They have filed one affidavit. However,

since the complainant in appeal No.773 of 1989 are also accused in Appeal No.791 of 1989 and vice versa, the affidavit has been signed by all the accused who have filed the respective appeals in the capacity of complainant and accused also.

3. However, in order to find out whether the offences could be compounded, we heard the advocates for the accused in both the cases and the learned APP at length and we find that no case under Section 326 is made out in Case No.723 of 1989 and it is neither a case under Section 325 or 324 of I.P.C. and therefore we grant permission to compound the offences as between both the groups for which they are convicted, subject to modification of offence under Section 325, 324, whatever are compounded.

4. This compromise granting permission to compound is necessary in order to see that these people live peacefully and in harmony in future.

. The accused-appellants in both the matters are acquitted. Their bail bonds stand cancelled.

. The State appeal is consequently dismissed.

. Those accused in both the appeals, who have died, the appeal against them and filed by them stands abated.

(D.G.Deshpande, J.)

(S.R.Sathe, J.)